

REC-9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 19 AM 10:44

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0458

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Armando GUTIERREZ-Vizcarra

Defendant

Magistrate Case No.

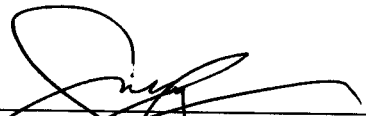
COMPLAINT FOR VIOLATION OF

1324(a)(1)(A)(iv)-Inducing and
Encouraging Illegal Alien(s)
To Enter the United States

The undersigned complainant being duly sworn states:

On or about **February 16, 2008**, within the Southern District of California, defendant **Armando GUTIERREZ-Vizcarra**, did encourage and induce an alien, namely **Ricardo ROMERO-Gonzalez** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer.

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF
February, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Georgina Rios, declare under penalty of perjury the following to be true and correct:

The complainant states that **Ricardo ROMERO-Gonzalez** is a citizen of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.


On February 16, 2008 at approximately 1522 hours, **Armando GUTIERREZ-Vizcarra (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1990 Ford F-150 Pickup. Accompanying Defendant as a passenger in the vehicle was a male later identified as **Ricardo ROMERO-Gonzalez** who presented a DSP-150 Laser Visa Card bearing the name of **Jorge Antonio Hucra Rosales**. A Customs and Border Protection Officer received two negative declarations from the defendant. Defendant presented a Resident Alien Card I-551 bearing the name of **Carlos Sanchez Ruiz** as form of his entry document. Defendant stated he was going to San Ysidro, Ca. The officer suspected Defendant and passenger to be imposters to the documents presented. The CBP Officer escorted the vehicle and occupants to secondary for further inspection.

In secondary, the passenger admitted to his true identity and citizenship of Mexico with no entitlements to enter, pass-through, or reside in the United States and is now identified as Material Witness **Ricardo ROMERO-Gonzalez (MW)**.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge of the undocumented alien. Defendant admitted he was going to receive \$300.00 USD for smuggling the alien into the United States. Defendant stated he was taking the car and the undocumented person to a Gas Station in San Ysidro after successfully crossing the border.

On separate videotape interviews, Material Witness declared he is a citizen of Mexico who has no legal right to enter the United States. Material Witness stated he was going to Los Angeles, California. Material Witness stated he was going to pay \$2,000.00 USD to be smuggled into the United States. Material Witness stated that he made the arrangements with an unknown person to have him smuggled into the United States.

EXECUTED ON THIS 16th DAY OF February, 2008 AT 2300.



Georgina Rios / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on February 16, 2008, in violation of Title 8, United States Code, Section 1324.



MAGISTRATE JUDGE

2/17/08, 1021 hrs

DATE / TIME